



MEC
OPINION NO.

2002.02.100

STATE OF MISSOURI
MISSOURI ETHICS COMMISSION
P. O. BOX 1254
JEFFERSON CITY, MISSOURI 65102

573/751-2020
1-800/392-8660

March 18, 2002

COPY

At the February 26, 2002 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

1. *Is an association a "lobbyist principal" pursuant to section 105.470(6), RSMo where its agents' activities for consideration include talking with, emailing and writing elected or appointed officials of the executive branch for the purpose of influencing the officials' actions with respect to the association's priorities; drafting suggested program language and providing it to elected or appointed officials of the executive branch for the purpose of influencing the officials' actions with respect to the program; and talking with, emailing and writing elected or appointed officials of the executive branch for the purpose of influencing the officials' actions in defeating or delaying competing programs or priorities?*

From the facts presented and the description of the activities involved by the individual, the actions taken are lobbying activities. Since the individual is acting on behalf of the association or agency, this association or agency would be a lobbyist principal.

2. *If the association in question 1 is a "lobbyist principal", are its agents who engage in the above outlined activities required to register as "executive lobbyists" pursuant to section 105.473 RSMo?*

As stated in response to number 1 above, the actions described are those of a lobbyist principal; therefore, its agents who engaged in such activities must register as executive lobbyists and are subject to all lobbyist reporting requirements.

NOTICE

Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only as to the law as it existed at the date of the response and cannot be relied upon for any other purpose or in any other manner.

3. *If the association in question 1 is a "lobbyist principal", are its agents who engage in the above outlined activities required to register as "executive lobbyists" pursuant to section 105.473 RSMo?*

The Commission stated that the individual should register as a lobbyist according to the statutes and, therefore, if the individual was engaged in lobbying activities and not reporting, that person would be subject to all late fees associated with lobbyist reporting.

Further, the Commission issued the following responses to your additional questions:

4. *Is an association a "lobbyist principal" pursuant to section 105.470(6) RSMo, where its agents' activities for consideration include talking with, emailing and writing legislators in support of the association's legislative priorities; drafting suggested bill/amendment language and providing it to legislators; and talking with, emailing and writing legislators regarding competing legislative proposal(s) for the purpose of defeating or delaying such proposal(s)?*

From the facts presented and the description of the activities involved by the individual, the actions taken are lobbying activities. Since the individual is acting on behalf of the association or agency, this association or agency would be a lobbyist principal.

5. *If the association in question 4 is a "lobbyist principal", are its agents who engage in the above outlined activities required to register as "legislative lobbyists" pursuant to section 105.473, RSMo?*

As stated in response to number 4 above, the actions described are those of a lobbyist principal; therefore, its agents who engaged in such activities must register as legislative lobbyists and are subject to all lobbyist reporting requirements.

6. *If the agents in question 5 are "legislative lobbyists", are the lobbyists required to file monthly lobbyist reports beginning with the month the outlined activities are initiated pursuant to section 105.473 RSMo? In other words, is the rule for lobbyists parallel to the rule for campaign finance committees where the obligation to report runs from the date the committee was required to register?*

The Commission stated that the individual should register as a lobbyist according to the statutes and, therefore, if the individual was engaged in lobbying activities and not reporting, that person would be subject to all late fees associated with lobbyist reporting.

Also, the Commission responded as follows:

7. *Is an individual required to register as a legislative lobbyist for a principal pursuant to section 105.473 RSMo, where the individual's activities on behalf of the principal for consideration include contacting legislators in support of the principal's legislative priorities; drafting suggested bill/amendment language and providing it to legislators; and meeting individually with legislators regarding competing legislative proposal(s) for the purpose of defeating or delaying such proposal(s)?*

02.02.100

In response to this question, the activities you describe meet the statutory requirement of a legislative lobbyist, as set out in section 105.470(4), RSMo. Therefore, he or she is required to register as a legislative lobbyist.

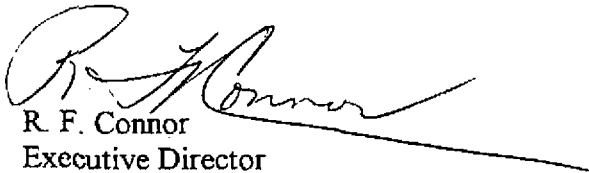
8. If the individual in question 7 is required to register as a lobbyist for the principal, is the individual required to file monthly lobbyist reports beginning with the month the outlined activities are initiated pursuant to section 105.473 RSMo? In other words, is the rule for lobbyists parallel to the rule for campaign finance committees where the obligation to report runs from the date the committee was required to register?

Section 105.473.3(1) RSMo states:

During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist or a legislative lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month.

The Commission has opined earlier in this letter that when an individual begins lobbying activities and registers as a lobbyist, that person would be subject to all late fees associated with lobbyist reporting.

Sincerely,



R. F. Connor
Executive Director

MCR:bd